

Hungarian Civil Liberties Union (HCLU) on the Internet

The nature of the Internet

A part of communication over the Internet is obviously classified as public communication and dissemination and accordingly, communication given wide publicity. Before outlining the problems concerning the enforcement and interpretation of law as well as the resolution options, a few words must be said on the nature of the Internet.

- The Internet enables those connecting to the computer worldwide network to keep their anonymity entirely and it also applies to those disseminating and reading anything on the Internet. To detect the identity of anonym users is practically impossible, unless they want it.
- There are no geographical boundaries on the Internet. Homepages are easily accessible irrespective of their geographical locations, and e-mails can be sent from any location to any location in the world.
- The Internet is decentralized. In the computer worldwide network there are no centres like with other media, and as a consequence, the World Wide Web is accessible in several ways, giving the possibility for interactive, immediate communication.
- One of the consequences of decentralization is that the Internet is practically independent of all governmental and authority powers, therefore it can't be controlled politically or ideologically.
- Access to information on the Internet – unlike radio and television – is controlled by users, that is, they get access only to information they want to. (No homepage will knock uninvited.)

I would like to outline a few fundamental principles also set out by several international human rights organizations, which law-makers should definitely take into account when making provisions pertaining to the computer worldwide network.

- The Internet in its present form largely contributes to the extension of the freedom of speech and it mustn't be impaired by any intervention of the government or technical control. (Though resulting from the nature of the Internet, the efficiency of these is doubtful anyway.)
- The Internet provides a very good possibility for getting information about data of public interest. The regulation must aim at making the possible most data of this type accessible for citizens. (Think of the operation of the Parliament, the committees, the Government and other government organizations.)
- It should be avoided making service providers responsible for data not prepared by them. The state shouldn't attempt to restrict the flow of information over the Internet by intimidating service providers.

- Not the state but primarily the users must decide what material they want to keep out of their private sphere. Everybody should be given a free hand to filter the information published in the Internet.
- Regulations must ensure anonymity which is a key to the freedom of speech.
- Messages sent through the web are protected by secrecy of letters and privacy law. Authorities should be allowed to know the messages in exceptional case only, for specific reasons, in specific cases and in specified form.
- Law-makers must specify what is considered public and private disclosure of information accessible on the Internet.
- Whoever sends e-mails and discloses other type of information can use any type of encryption and it shouldn't be controlled by the state.
- In the computer worldwide network, it must be ensured that private information can't become publicly known and their use can only be possible within the framework of law by the assent of those concerned.
- It, of course, is necessary to ensure the prohibition of discrimination on the Internet, too.
- At last, the Internet regulations must place special emphasis on ensuring the possible widest use of the Internet both at international and domestic levels.

All media have their specific attributes, and therefore – with special regard to the freedom of speech – each requires specific regulation. Beyond being suitable for achieving the desired aim, the regulations restricting the freedom of speech made by law-makers can't cause harm bigger than the achieved benefit and moreover, the selected device must be the least restrictive.